

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

UNITED STATES OF AMERICA

VS.

ALFREDO LOPEZ RAMIREZ,

Defendant

NO. 5: 06-CR-83 (DF)

VIOLATION(S): 8 U.S.C. §1326

ORDER OF DETENTION PENDING TRIAL

In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), a hearing was this day held in the above-captioned case on the government's motion seeking the defendant's pretrial detention. Based upon the information proffered to the court by the parties and set forth in the Pretrial Services Report provided by the U. S. Probation Office, I conclude that the following facts require the detention of the above-named defendant pending trial in this case, noting that the defendant does not contest pretrial detention.

PART I - FINDINGS OF FACT

There is a serious risk that this defendant will not appear for further proceedings and that he will pose a danger to the community should he be released from custody at this time. He is a citizen of Mexico with no family ties in the Middle District of Georgia; he is currently in this country illegally for a second time after having been previously deported in 1994.

PART II - WRITTEN STATEMENT OF REASONS FOR DETENTION

Applying the factors set forth in 18 U.S.C. §3142(g), I find that the information provided by the U.S. Probation Office and proffered by the government establishes by clear and convincing evidence that no condition or combination of conditions set forth in 18 U.S.C. §3142(c) will reasonably assure the appearance of defendant ALFREDO LOPEZ RAMIREZ and insure the safety of the community if he were to be released from custody at this time. The weight of evidence against this defendant is strong; the defendant re-entered the United States without authority after having been previously deported. In addition, he has a record of prior convictions, to-wit: POSSESSION OF A CONTROLLED SUBSTANCE, 1993, Los Angeles, California; BURGLARY, 1993, Los Angeles, California; BURGLARY, 1998, Del Ray Beach, Florida; and, POSSESSION WITH INTENT TO DISTRIBUTE METHAMPHETAMINE, 2005, Superior Court of Douglas County, Georgia. According to the Florida Department of Corrections, the defendant is an absconder/fugitive from probation since June of 1998. The defendant faces long-term imprisonment if convicted; his estimated guideline sentencing range is 92 months to 115 months in prison. For these reasons, pretrial detention is mandated.

PART III - DIRECTIONS REGARDING DETENTION

The defendant is hereby committed to the custody of the Attorney General of the United States or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

SO ORDERED, this 12th day of OCTOBER, 2006.



A handwritten signature in blue ink, reading "Claude W. Hicks, Jr.".

CLAUDE W. HICKS, JR.
UNITED STATES MAGISTRATE JUDGE